

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CHARLES WEINSCHENK,)	
)	
Plaintiff,)	
)	
v.)	No. 1:21-cv-01468-JPH-MJD
)	
STATE OF INDIANA,)	
VALORIE HAHN Hamilton County)	
Prosecutor's Office,)	
ROBERT BECKER,)	
JOHN DOE,)	
)	
Defendants.)	

ORDER DISMISSING CASE

On June 29, 2021, the Court screened Plaintiff, Charles Weinschenk's, complaint and dismissed it for failure to state a plausible claim. Dkt. 12. The Court gave Mr. Weinschenk through July 29, 2021, to file an amended complaint. *Id.* Mr. Weinschenk has filed an amended complaint¹, dkt. 14-1, but what he has filed does not show why his claims should not be dismissed, dkt. 12 at 4.

The Court does not have subject matter jurisdiction over a complaint that is wholly insubstantial. *See Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 89 (1998). And "[a] frivolous federal law claim cannot successfully invoke federal jurisdiction." *In re African-American Slave Descendants Litig.*, 471 F.3d 754, 757 (7th Cir. 2006).

¹ Mr. Weinschenk's motion for leave to amend, dkt. [14], is **denied as moot**.

While Mr. Weinschenk does mention in passing the Constitution of the United States and several federal statutes, the complaint does not identify a federal cause of action. Even liberally construing the complaint, this Court cannot discern within it any plausible federal claim against any defendant. *See Sanders-Bey v. United States*, Nos. 07-2204, 07-3891, 267 Fed. Appx. 464, 465 (7th Cir. Feb. 25, 2008) *cf. United States ex rel. Garst v. Lockheed-Martin Corp.*, 328 F.3d 374, 378 (7th Cir. 2003).

Mr. Weinschenk's claims are **DISMISSED with prejudice**.² *See Paul v. Marberry*, 658 F.3d 702, 704–05 (7th Cir. 2011). Defendants' motion to dismiss, dkt. [6], motion for extension of time, dkt. [10], and motion to screen Plaintiff's amended complaint, dkt. [15], are **DENIED as moot**. Final judgment will issue by separate entry.

SO ORDERED.

Date: 8/27/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

² On August 20, 2021, Mr. Weinschenk filed a 95-page second amended complaint alleging 1138 claims. Dkt. 17. That amended complaint, filed past the deadline, does not change the Court's analysis.

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